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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	DePhillipo and Ricciardi
Serial No.	09/924,011
Filed	August 7, 2001
Art Unit	1633
Confirmation No.	1968
Examiner	Kaushal
Title	Use of Genetic Information for Detecting a Bone Density Condition
Atty. Docket No.:	GNLK 02

Cincinnati OH 45202

April 27, 2007

Mail Stop AFTER FINAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF ROBERT P. RICCIARDI, Ph.D.
PURSUANT TO 37 CFR §1.132

I, ROBERT P. RICCIARDI, declare as follows:

1. I am an inventor of the referenced application. I was awarded a Ph.D. in Cellular and Molecular Biology from the University of Illinois in 1977. I have over 26 years of experience in this field, which is the subject matter of my invention.
2. I have read the outstanding Office Action, and understand the Examiner's position.
3. I respectfully disagree that claims 1, 14-17, 20-27, 30-32 and 63-64 are not described and are not enabled for at least the following reasons.
4. It is my opinion that one skilled in the art would know how to obtain, without undue experimentation, a sequence for a human gene encoding a Vitamin D receptor (VDR) and/or for a human gene encoding interleukin-6 (IL-6). For example, one would interrogate the human genome sequence by searching available database sites; a popular site that would provide this information is the National Center for Biotechnology Information (NCBI) database, available at <http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?db=Nucleotide>.